S. HRG. 102-80

THE SILVIO CONTE NATIONAL FISH AND WILDLIFE REFUGE ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON
ENVIRONMENTAL PROTECTION

OF THE

COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

ONE HUNDRED SECOND CONGRESS

FIRST SESSION

ON

S. 821

A BILL TO ESTABLISH THE SILVIO CONTE NATIONAL FISH AND WILDLIFE REFUGE

MAY 2, 1991—HARTFORD, CT.

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THE SILVIO CONTE NATIONAL FISH AND WILDLIFE REFUGE ACT

THURSDAY, MAY 2, 1991

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION.
Hartford, CT.

The subcommittee met, pursuant to notice, at 10:00 a.m. in room 1-D, Legislative Office Building, Hartford, CT, Hon. Joseph I. Lieberman [acting chairman of the subcommittee] presiding.

Present: Senator Lieberman.

OPENING STATEMENT OF HON. JOSEPH I. LIEBERMAN, U.S. SENATOR FROM THE STATE OF CONNECTICUT

Senator LIEBERMAN. I am delighted to open this hearing of the Senate Subcommittee on Environmental Protection on S. 821, a Bill to establish the Silvio Conte National Fish and Wildlife Refuge. I want to introduce the two people who are with me. Barbara Cairns is a legislative assistant from my office who has worked on this and other matters of concern particularly related to the environment. Bob Davison is a professional staff member of the full Committee on Environment and Public Works of the United States Senate.

We are also delighted to welcome his father, who is here also. I thank Bob for his support. You have a lot to be proud of, sir. He does a great job for all of us in the U.S. Senate.

I also want to enter into the record a letter from my colleagues from Vermont, Pat Leahy and Jim Jeffords, in support of this legislation.

[The letters referred to follow:]

UNITED STATES SENATE
WASHINGTON, DC.
May 2, 1991

Hon. Joseph I. Lieberman
United States Senate
Committee on Environment and Public Works, Washington, DC.

Dear Senator Lieberman:

We commend you for holding this important field hearing on S. 821, a bill to establish the Silvio Conte National Fish and Wildlife Refuge.

This legislation is a fitting memorial to the Connecticut River's greatest friend, Silvio Conte. Silvio believed this resource should be preserved for future generations, and worked to untap its potential as a refuge for fish and wildlife, and for recreation and community development. We are pleased that Mr. Tom Lauritsen of the Connecticut River Watershed Advisory Commission of Vermont will testify today. Mr. Lauritsen's Commission, and the Connecticut River Valley Resource

Commission of New Hampshire, have been working together to safeguard the future of the Connecticut River Valley.

The Vermont and New Hampshire Commissions are representative of the grassroots efforts that make projects work. The Commissions have mobilized government agencies, the private sector, and numerous volunteers in developing programs to protect the river and preserve the character of its communities. This cooperation between landowners, public officials and interested citizens is the type of local involvement Silvio envisioned when he drafted this bill.

Attached please find a letter from the Commissions which outlines their views on S. 821. We encourage the Committee to consider these fine recommendations, and involve the Commissions throughout the legislative process.

Again, we appreciate this opportunity to pay tribute to the efforts of our friend, Silvio Conte. We look forward to working with you and the residents of the Connecticut Valley to protect this valuable resource.

Sincerely,

PATRICK LEAHY
JAMES JEFFORDS

AGENCY OF NATURAL RESOURCES
WATERBURY, VERMONT
April 17, 1991

Hon. Patrick Leahy
United States Senate
Washington, DC.

DEAR SENATOR LEAHY:

I am writing to ask for your support of H.R. 794 which would establish the Connecticut River National Fish and Wildlife Refuge. As you know, the State of Vermont has been working with the other Connecticut River States, the Federal Government, private conservation groups, and utility companies to restore anadromous fish including Atlantic salmon and American shad to the Connecticut River basin. The Connecticut River also provides valuable habitat for resident fish and wildlife.

The bill would allow the U.S. Fish and Wildlife Service to identify and acquire areas that provide important habitats for anadromous fish, resident fish, and wildlife within the Connecticut River basin. The protection of important lands along the Connecticut River and its tributaries will help ensure the full restoration of anadromous fish and the maximum recreational and educational benefit to the public.

Sincerely,

J. TIMOTHY VAN ZANDT
COMMISSIONER

VERMONT CONNECTICUT RIVER WATERSHED ADVISORY COMMISSION
NEW HAMPSHIRE CONNECTICUT RIVER VALLEY RESOURCE COMMISSION
April 8, 1991

Hon. Patrick Leahy
United States Senate
Washington, DC.

DEAR SENATOR LEAHY:

Thank you for your letter of March 12 inviting comments on the upcoming Senate bill regarding the "Connecticut River National Fish and Wildlife Refuge Act".

The NH Connecticut River Valley Resource Commission established by the NH Legislature in 1987 and the VT Connecticut River Watershed Advisory Commission established by the VT Legislature in 1988 have been working jointly on a number of activities to establish preservation and protection measures in the Valley.

We have mobilized involvement by the public as well as by public agencies and the private sector in setting an agenda and undertaking activities for the betterment of the Valley. Much of this agenda was outlined at our "Bridges for Tomorrow" conference at Ascutney Mountain Resort in November 1989.

Currently, we have over a hundred volunteers involved in five bi-State working groups that are developing nominations of the Connecticut River under both NH and VT river protection programs. These initiatives are a precursor to the establishment of a Connecticut River Greenway, and we are developing the greenway concept in broad terms so it will involve recreation facilities such as trails and river access, a strong economy based on clean water, agriculture, natural resources, and "green tourism," growth and development patterns that put a premium on environ-

mental protection, and protection of the Valley's unique natural assets including as its outstanding habitat for fish, wildlife, and migratory birds.

At our joint meeting on March 26, the Commissions discussed the bill and offer the following comments:

1. We commend the objectives and purposes of the legislation and applaud your interest in honoring Congressman Silvio Conte.

2. We believe that the protection of wildlife habitat in this Valley is in the public interest, so long as it is accomplished in a way that gives full opportunity for participation to the many entities, including these two Commissions, that have important responsibilities and knowledge about the Valley and its resources.

3. We are finding that local response to any initiative that threatens private property rights must be heard and acknowledge if any effort is to succeed in providing for the public good. Also, there must be a recognition and accommodation to the economic benefits to be derived from such activities. Many people in the watershed have strong feelings about State or Federal involvement in local areas. We caution that any future land acquisition for the refuge obtain local approbation and support.

5. We believe it is essential that public hearings be held by the Congress in the Connecticut Valley before proposed legislation is put into final form.

6. We strongly believe that the two Commissions, because of their legislative responsibilities, should be included in the proposed Advisory Committee or an analogous body that might evolve in the legislation.

7. We also suggest that the regional planning agencies, which are doing inventory mapping for the Joint Commissions using the Geographic Information System (GIS), have the background information and capability to undertake needed mapping in behalf of the proposed refuge. Their capability should be utilized.

8. Similarly, we suggest that the Connecticut River Watershed Council, which is the only entity that spans all four States in the Valley, should have a designated role on the proposed Advisory Committee.

We look forward to working with you further as this important piece of legislation develops, and hope that these comments have been helpful.

Sincerely,

GEORGE W. MOULTON
CHAIRMAN CRVRC

TOM LAURITSEN
CHAIRMAN CRWAC

Senator LIEBERMAN. I also want to thank Senator Quentin Burdick, who is the Chairman of the full Committee and Senator Max Baucus, the Chairman of the relevant Subcommittee, for authorizing me to chair this hearing on S. 821. This bill would direct the U.S. Fish and Wildlife Services to define, designate, and map critical habitat areas in the 11 million acre watershed of the Connecticut River within three years of enactment. These areas, as most of you in the room know, in the main stem of the River, once established as a refuge, would be named for the late Representative Silvio O. Conte.

The Connecticut River has been called, and I think it is, the "backbone of New England." It stretches for 400 miles from its headwaters at the Canadian border to Long Island Sound. It is fed by 23 tributaries and has a watershed of 11 million acres. Two million people live in the Connecticut River valley. The Atlantic salmon, the American shad, the bald eagle, and the peregrine falcon also depend on the river. In the Upper Valley in New Hampshire and Vermont, there are floodplain and old growth forests and grasslands of unusual beauty. The lower tidal reaches of the Connecticut River support unique ecosystems—tidal freshwater marshes of wild rice and golden club that are really worth of recognition as a wetlands complex of truly international significance.

The Connecticut River was once called the prettiest sewer in America. It is in large part because of the efforts of Silvio Conte that that is no longer true. The bill we are here to discuss today is

literally based on a bill that Congressman Conte introduced shortly before his death. I think it is fair to say that in one way or another Silvio Conte has been working on this bill for most of his professional life. He led the fight to obtain Federal support for programs, to restore runs of Atlantic salmon to the rivers of the Northeast, particularly the Connecticut River, he fought for funding for fish ladders and hatcheries, for research and laboratory facilities for wetlands preservation and waterfowl habitat.

Silvio Conte was the longest-serving member of the Migratory Bird Conservation Commission. He served for 26 years, participating in the establishment of 80 new national wildlife refuges and protection more than three million acres of wildlife habitat. Those of us from New England who had the honor of serving with him came to rely on him to champion the wise use and conservation of our natural resources. I am very proud and can think of no better tribute than to establish this refuge on this river that he knew and loved so well, and name it for him.

This is particularly true today, when the Connecticut River faces a new kind of threat. We have made such great strides in cleaning it up again that it is now attractive enough to make it vulnerable to another kind of spoilation and removal from public access. The river and Silvio Conte's efforts deserve better than that.

We have some serious issues to discuss this morning. We seek to ask in this bill much of the Federal Government, in time and money, to help and preserve and save forever this great Connecticut River. At the same time, we New Englanders have a traditional wariness of any entity which might compromise our notions of home rule. So we will ask how can State and local governments and citizen organizations work to the best advantage with the Federal Government and national conservation groups?

In addition, the needs and desires of those who live in the Connecticut River's Upper Valley may not be at first glance the same as those of us who live in the Lower Valley. New Hampshire and Vermont have invested enormous energies and sums of money in putting together a plan which will preserve the natural beauty of the river in order to develop it for tourism and other purposes. The State of Massachusetts is determined in its protection of Atlantic salmon, American shad and other fisheries resources.

In Connecticut, we are driven by a strong fear that much of our open space is vanishing, and we are acutely aware of the importance of a clean Connecticut River, because it provides Long Island Sound with as much as 80 percent of its fresh water. Are our goals and ambitions compatible? I think they are, and I hope we will be able to discuss that today.

We have a very fine panel of witnesses this morning: John Conte, who can speak much more authoritatively than any of us on his father's wishes and his accomplishments as well; Ron Lambertson, who is the Regional Director of the U.S. Fish and Wildlife Service; Tim Keeney, who is Connecticut's new Commissioner of Environmental Protection; John Phillips, Massachusetts Commissioner of Fisheries, Wildlife and Environmental Law Enforcement; and Tom Lauritsen, speaking on behalf of both New Hampshire and Vermont from his position as the Chairman of the State of Vermont's Connecticut River Watershed Advisory Commission.

We are also very happy to have with us today Les Corey of the Nature Conservancy and Astrid Hanzalek of the Connecticut River Watershed Council, two nonprofit organizations whose tireless efforts on behalf of the Connecticut River have been indispensable in bringing us to this point in the river's protection. This morning we also have two people from Northeast Utilities who have exercised their franchise and come in this morning and asked if they might be heard on the subject. Assuming we have time at the end, we will do that briefly.

I am delighted that the River's varied constituency is in that sense fully represented this morning. Now, to begin, I would like to call first Mr. John Conte.

John Conte is the son of Silvio Conte. We are delighted to welcome him not only here, but back to Connecticut, as a resident of our State. In that personal sense, you express the close feeling we in Connecticut have and had for your father. Thank you for being here.

STATEMENT OF JOHN CONTE

Mr. CONTE. Thank you, Senator. I appreciate this opportunity to testify before this distinguished committee in support of S. 821, a bill to establish a National Fish and Wildlife Refuge along the Connecticut River. As you said, this is a companion bill to the one my father introduced just three days before he died. It is a bill that really is a culmination of a life-long effort on his part to clean up the Connecticut River and bring the wildlife back here.

I would like to take this opportunity to thank you, Senator Lieberman, for your leadership, your strong interest and support of this legislation, and for a particular amendment to the bill that was included as a part of S. 821. On behalf of my entire family, I thank you for naming this refuge after my father. I know it would have been a crown jewel for him, something that he had a real love for and labored over. He would absolutely have been thrilled to know this.

I base my testimony on knowing my father and knowing what his desires and pursuits were. We shared a lot of these things over the dinner table. He was a very enthusiastic man, whether it was on the House floor, or hunting and fishing, playing bocci in the back yard, or just having conversation over dinner. He brought his enthusiasm wherever he went. In his discussions, there could be no doubt as to his real love for the environment and for protecting the environment for his children and his children's children. It was definitely one of his keenest pursuits in the Congress.

I was very fortunate to have had the opportunity to go fishing with him in Alaska with the Fish and Wildlife Service on occasion. Just the enormity of Alaska and the beauty up there and the wildlife—it's magnificent. I recently came from California and also had the opportunity to go to Northern California and look at some land that the National Fish and Wildlife Service had bought and was managing and they called it a riparian forest. I had never heard that word before, and it sure didn't look like a forest.

I looked at that in comparison to Alaska and there was no comparison. That really drove home the point of the need to set aside

this land. Certainly in the California area, there has been tremendous population growth and we just don't have the wildlife, the wetlands are gone, there is a lot of pollution in some of the streams out there and it really drove home the point of the importance of setting aside this land. It is something everyone shares and it is there for us to take care of.

Setting aside these lands was the love of my father's life, preserving the outdoors for all generations, rich or poor, so that everyone could enjoy and appreciate the beauty of nature. That love is best expressed in my father's own words at the dedication of the fish lab in Turners Falls last year, he spoke of an environmental ethic, his dream for the Connecticut River and the salmon restoration program.

The salmon was the one fish he thought was the game fish of any in the whole world and he has fished a number of different places, he loved the Atlantic salmon. I don't know if it was because it always went back out to sea or not, he never said. That might be part of it. He said "A dream that includes the Connecticut River, cleaned, fishable, swimmable and with salmon restored to abundant numbers. A dream that someday my children and grandchildren will continue to enjoy the outdoors as I have, and not be saddled with a planet polluted beyond repair."

This dream, I believe, is totally embodied in S. 821, this bill which will create a National Fish and Wildlife Refuge along the Connecticut, will protect the gains already made on the river. Because of the Congress and this committee of leadership, much has been accomplished. The river has been cleaned, hatcheries and fish ladders have been constructed, world class fish labs are now in operation.

I should take this opportunity here to publicly thank the Congress for a great honor bestowed on my father last year. It was a great honor in his eyes to have the Turner Falls Fish Lab named after him, especially to experience that in his lifetime. It was incredibly important to him. I know he occasionally sent things out, he sent the Turner Falls literature out, it was one of his great highlights, and I am certain this would have even been a greater highlight in his career. So on behalf of myself and the entire Conte family, we thank you for that tribute.

With all those facilities and millions and millions spent to clean up the river, my father was always afraid that success would be a mixed blessing. He feared once the river was clean and fish restored, unwise and over-development would ruin a great natural resource. That's why he introduced this bill, to make sure that the gains made over the last 40 years were in vain, and to preserve, without infringing on local interests, the beauty of this great river. This bill, by establishing a Federal refuge along the River, will provide the resources and expertise necessary to develop a comprehensive and environmental sound plan. It will provide for all time a place for the common man to come and enjoy the outdoors.

I can't think of a better way to sum up the motivation and goal of this legislation than by using the words of my father himself. At the fish lab dedication last June, he pledged to continue his lifelong work to protect and restore the Connecticut River. With a tear in his eye and emotion in his voice, he spoke these words: "America is

blessed with abundant and seemingly endless resources. But we must always remember that we are custodians of these natural resources, not absolute consumers. Each generation has an obligation to pass this inheritance on to the next intact, or even improved. Our efforts today, as we celebrate the opening of this magnificent research facility, bring us closer to achieving a lasting legacy, a clean, swimmable, fishable Connecticut River."

The memory of Silvio Conte will be honored for generations to come if this legislation is passed. It is a project that he worked all his life to realize, and I appreciate your interest and support for this bill. I know that if he were with us today, he would be beaming with enthusiasm, excited about the prospects of success and probably wearing a salmon mask or something.

One of the things we always pondered was whether my father would ever retire from the Congress and get out and enjoy hunting and fishing he loved so much even more, or whether he would die in the Congress. He always said there were two things, if two things happened he would retire. One was if the Red Sox won a World Series and the other was when the salmon were truly back in the Connecticut River.

So I thank you, Mr. Chairman, for your support and interest in this bill.

Senator LIEBERMAN. Thank you, John, for that very eloquent and moving statement. I think you bring back to us in your words and your own person the special qualities that endeared your father to the people in his district and to everyone in the Congress, really everyone. I don't think there is anybody else you can say that about in Congress, that everyone truly loved.

We feel here in Connecticut a special sense of gratitude that we were the beneficiaries, as so many others were, of his special enthusiasm, as you described it, his special passion for the Connecticut River. I can assure you, if one can predict anything about what will happen in Washington, this bill will pass. It will pass not only because it is a good idea, but because it bears your father's name. Everybody feels strongly that this is a tribute deserved more than any that has come along in a long time in Washington.

Thank you very much for being here, and regards to your family.

Mr. CONTE. Thank you, Senator.

Senator LIEBERMAN. We would now like to call the second panel, which is Ron Lambertson, Tim Keeney, John Phillips and Tom Lauritsen. If you will all come up. I welcome each of you, I thank you for being here. I will just note for the record that the prepared statements that each of you have will be printed in full in the record. I would welcome a summary of your statements at this time. We will begin with Ron Lambertson of the U.S. Fish and Wildlife Service. Thanks for being here.

STATEMENT OF RONALD LAMBERTSON, REGIONAL DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

Mr. LAMBERTSON. Thank you, Mr. Chairman. Just as an aside, I was present when Mr. Conte made the speech at the dedication of

the lab last June. I would commend it to everyone's reading. It was the finest conservation speech I have ever heard.

I am pleased to be here today to testify in support of S. 821, to authorize establishment of a new national wildlife refuge along the Connecticut River. The establishment of the Silvio Conte National Fish and Wildlife Refuge will be a fitting tribute to Mr. Conte. His enthusiasm as a hunter and fisherman, his long service on the Migratory Bird Conservation Commission, and his effective dedication to the protection and enhancement of the Nation's natural resources make him, without a question, one of the leading conservationists of our time.

Congressman CONTE'S EFFORTS TO PRESER. He was a driving force in obtaining Federal support for programs to restore runs of the Atlantic Salmon and American shad to the great rivers of the Northeast.

Mr. Chairman, your bill would establish the Silvio O. Conte National Fish and Wildlife Refuge within the Connecticut River Basin of the States of Connecticut, New Hampshire, Massachusetts and Vermont. The refuge would run intermittently along a major corridor extending from the forest lands of Northern New England through scenic bottom lands to the wetlands of the shore of Long Island Sound.

Although the study area for the proposed refuge is large, it is our understanding that the intent of Congress is to acquire only relatively small areas of undeveloped lands and waters at key strips of the river that are important to the protection of fish and wildlife resources while seeking protection and enhancement of the remaining area through cooperative agreements with private landowners, State and local governments, the business community and concerned citizens. That is our intent as well.

The Federal Government, as you have already mentioned, has spent over $600 million cleaning up this river and improving its quality for fish and wildlife habitats. A major fishery resource restoration program is currently underway, with guidance from the Connecticut River Atlantic Salmon Commission, established by compact among the affected States and approved by Congress in 1984. These expenditures and efforts have had positive results. There have been significant improvements in the water quality and aquatic habitat, and fisher restoration efforts are proceeding well.

However, there has been little effort to identify key riparian areas that must be maintained against land use practices that could threaten both this habitat and the conservation gains we have acquired thus far. For the most part, habitat important to species under Federal responsibility has also not been identified. Although some land would be acquired, our main thrust is to identify the key habitat areas and to develop cooperative agreements to protect them, particularly against adverse impacts to water quality and quantity.

The Connecticut River Valley is home to over two million people. Accordingly, the river and its lands are of great value for environmental education and recreation. Yet the river is also threatened with pollution, reduced public access, and overall ecological downgrading through the demands for development and the use that inevitably results from the presence of so many people.

Authorization of the Silvio O. Conte National Fish and Wildlife Refuge and initiation of the cooperative efforts to protect the river that will result is the easiest and most cost-effective means of addressing this problem. Although most of this proposal, and particularly the land acquisition component, can be undertaken through existing authorities we already have, Congressional action is a more appropriate means to memorialize Silvio Conte. It will also provide a much greater incentive for other parties to participate actively in this cooperative effort. In particular, the legislative establishment of the Advisory Committee will provide a firm role for the State and local governments in this process. We believe this is essential to successfully compete with other development efforts.

In addition, the committee would have a key role in developing cooperative agreements with private landowners and the public sector and in providing advice relating to public education. Accordingly, we strongly support the development of this new refuge and of this legislation.

Thank you, Mr. Chairman.

Senator LIEBERMAN. Thank you, Mr. Lambertson.

Commissioner Keeney.

STATEMENT OF TIMOTHY R.E. KEENEY, COMMISSIONER, CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mr. KEENEY. Thank you, Senator Lieberman.

My name is Timothy R.E. Keeney, and I am the Commissioner of the Connecticut Department of Environmental Protection. It is my honor and pleasure to appear before you here today to testify on S. 821, the Silvio Conte National Fish and Wildlife Refuge Act, the idea for which was suggested by Representative Silvio Conte shortly before his death, through the introduction of H.R. 794, the Connecticut River Fish and Wildlife Refuge Act.

The State of Connecticut strongly supports the concept of a National Fish and Wildlife Refuge along the Connecticut River. The proposal is consistent with current State, regional and local efforts to better manage and protect the river. The establishment of a protected buffer along the Connecticut River is a theme which is common to all of the groups and organizations working for the river's preservation.

Before I detail some of the changes I believe would be helpful, please let me provide some background. At my Department, we have established a Statewide Rivers Management Program and are working with an Advisory Committee whose members represent business, industry, advocacy groups and others with interests in river management and protection. Together we are exploring ways to balance competing demands for use of the State's rivers to identify and preserve critical river resources and habitats and to better coordinate the State's planning, management and regulatory programs to preserve our rivers. The provision of greenways and buffers along our rivers is an important step in this process and one we must pursue wholeheartedly, especially in the areas of our State subject to intense development pressures.

Along with the States of Vermont, New Hampshire and Massachusetts, Connecticut has evaluated the feasibility of establishing a

protected greenway along the entire length of the Connecticut River. Obviously, no group or organization can be expected to achieve this alone. A Federal, State, local and private partnership is essential if this vision is to be realized. The establishment of the Conte Fish and Wildlife Refuge would bring in the Federal Government as an important component of preserving the natural resources associated with the Connecticut River.

Prior to joining the Department of Environmental Protection in Connecticut as Commissioner, I directed NOAA's Office of Ocean and Coastal Resource Management in Washington. Based in part on that experience, I have a keen awareness of and strong interest in the long-term of Long Island Sound. As you know, the States of Connecticut and New York are working cooperatively with EPA and NOAA to develop a water quality management plan for the Sound.

The Connecticut River contributes over 70 percent of the fresh water that flows into the sound, and carries with it the usual complement of nutrients and pollutants. The protection of habitats along the river will help minimize the effects of non-point sources of pollutants and help us meet our water quality goals, both in the river itself and within Long Island Sound.

At the local level, there are numerous non-point conservation organizations and sportsmen's groups working for improved protection of the river. In Connecticut alone, these groups include the Connecticut River Watershed Council, the Connecticut River Assembly, Connecticut River Gateway Commission, and the Nature Conservancy, several of whom you will hear from today. Their efforts enhance our ability to preserve a wide diversity of fish and wildlife, including those for many threatened and endangered species.

As I stated at the beginning of my testimony, there are some changes which I believe would improve the bill and its implementation. Because of the importance of the Connecticut River Basin as both a breeding area and as part of the Atlantic flyway, I recommend that waterfowl be added as a species to be conserved, protected and enhanced in Section 4 subpart (1) of the draft bill.

Another area of legislation which I believe merits clarification is the list of uses contained in Section 4 subpart (5). Hunting is conspicuously absent from the list of wildlife-oriented recreational activities, yet it is a major activity throughout the river basin. I do recognize that neither the bill as drafted nor the refuge it delimits would per se restrict hunting except as defined individual acquired parcels.

However, it is important to acknowledge that the Connecticut River Basin contains many important waterfowl areas in the flyway, and in Connecticut, many of the important waterfowl hunting areas in the eastern part of the State. These areas afford sportsmen opportunities which should not be lost. As I believe this was not the intent of either Mr. Conte of the bill's proponents, this clarification would be most useful.

I am encouraged by the changes to H.R. 794 with regard to the Advisory Committee. By expanding the Committee to 15 members with representation of river towns, State fish and wildlife agencies and non-profit conservation organizations, the Committee's advice

will be broader in its base. I am particularly interested in the membership of a representative of the Long Island Sound Management Conference. This seems most appropriate, given that all of the water in the Connecticut River Basin ultimately becomes part of Long Island Sound. The management of the Basin clearly has a profound impact on the management of the Sound.

Two additional refinements to Committee membership that I will offer for your consideration are first, to set staggered terms for members initially so as to assure continuity on the Committee and second, to allow the Committee to select its own chair. This latter notion could go a long way towards gaining local acceptance in the affected States.

Senator Lieberman, you also requested that I include in my testimony some of the candidate areas for acquisition by the refuge. I am sure you will appreciate the sensitivity of disclosing specific sites, some of which are being sought for acquisition by both public and private organizations for preservation. Rather than name specific areas, suffice it to say that acquisition of marsh areas, both salt and brackish, and the river islands in the lower reaches of the river are most important.

As you know, the Connecticut River is the only major river in the United States without an urban area at its mouth. As a result, many of the unique marsh and island habitats common to major tidal rivers remain undeveloped. In fact, the brackish marshes of the Connecticut represent the best examples of a rare, transitional wetland and its attendant flora and fauna.

In summary, I support the establishment of a Connecticut River Fish and Wildlife Refuge. I can think of no finer tribute to our late friend and neighbor, Mr. Conte, who worked for the improvement and protection of the Connecticut River for over three decades. A Connecticut River Fish and Wildlife Refuge which bears his name would serve as a meaningful monument to a man who has done much to enhance the economy, the environment, and indeed the whole quality of life in New England.

Thank you.

Senator LIEBERMAN. Thanks very much. Thanks for your suggestions. Let me just say, particularly on the question of adding hunting as a permitted activity, I don't think we have any problem with that, obviously so long as everything else is consistent with the overall plan. Thank you for your contribution.

Commissioner Phillips, we appreciate your taking the trip over today.

STATEMENT OF JOHN C. PHILLIPS, COMMISSIONER, MASSACHUSETTS DEPARTMENT OF FISHERIES, WILDLIFE, AND ENVIRONMENTAL LAW ENFORCEMENT

Mr. PHILLIPS. Thank you, Senator.

Thank you for the opportunity to testify in support of this important legislation that would create the Silvio Conte National Fish and Wildlife Refuge on the Connecticut River.

Congressman SILVIO CONTE WAS AN ARDEN. It is certainly fitting that Congress is considering establishing a refuge that will help bring his vision for this great river to fruition.

The Connecticut River is a remarkable resource, an example of a system once ravaged by dams, pollution and development, but one that has actually begun to recover over the last 20 years. This free-flowing river and its once great salmon runs were destroyed long ago. But Silvio Conte and others took action to change this. The water quality started to improve and efforts to restore salmon began, fish passage through the many formerly impassable dams were put into place. More than a billion dollars in State, Federal and private dollars were spent to clean up the waters of the Connecticut, funds that have been well spent, judging from the enhanced natural beauty of the river, increased recreational use and the improved fish and wildlife habitat conditions that have resulted.

However, the river's recovery has only just begun. Much more work is needed. Moreover, continuing threats to important habitats are real, and the potential to despoil the river is high. Every year, more shoreline is being converted to uses that may be harmful to the survival of imperiled species. Riparian farmland and natural areas are disappearing, greatly reducing the available resource for migrating waterfowl, wading birds, raptors, river otter, and a myriad of invertebrates and rare plants. The comprehensive scope of the National Fish and Wildlife Refuge envisioned in this legislation could result in pulling together all the elements of resource protection and management into one cohesive force.

In establishing this new refuge system, prime stretches of the main stem river and its key tributaries that are particularly valuable or in need of protection would be identified. Once identified, the U.S. Fish and Wildlife Service would work with landowners to acquire or otherwise protect this vital riparian habitat, so that development would not destroy the river's visual beauty, its water quality, or its subsurface aquatic habitat.

I have just recently started my job as Commissioner of Fisheries and Wildlife. I came to it from a conservation, non-profit organization which was dedicated to protecting and restoring the Atlantic salmon throughout its range. I am very excited that this will be the first refuge system that will truly have a fisheries and fish habitat protection orientation, as well as wildlife, and that emphasis will be placed on protecting key shad, salmon and trout spawning areas in the river and in its main tributaries, and on restoring and maintaining the integrity of the aquatic habitats within the refuge.

The proposed legislation would thus create a refuge that could and should serve as a national model for river protection, and for restoring and maintaining fish and wildlife resources. It recognizes the ecological importance of the Connecticut River, and the vital connection between land and water use and resource protection.

This is simply a great bill, and I urge its quick approval. I hope that in the future, acquisition dollars to fund and funds to purchase conservation restrictions will be available, and I also second Tim Keeney's comments concerning hunting activities and fishing activities as very important to the concept as a whole.

In conclusion, this refuge would be a most appropriate memorial to Silvio Conte. Thank you very much.

Senator LIEBERMAN. Thank you very much for your support.

Finally, we have Tom Lauritsen. Thanks for coming.

STATEMENT OF TOM LAURITSEN, CHAIRMAN, STATE OF VERMONT CONNECTICUT RIVER WATERSHED ADVISORY COMMISSION

Mr. LAURITSEN. Thank you, Senator. I am truly inspired to find that the team that I have been working with is far larger than I realized.

It is a great honor to come before you today to represent the people and activities of the Upper Connecticut River Valley and to comment on the Silvio Conte National Fish and Wildlife Refuge Act. It is humbling for me to represent the outstanding individuals of the New Hampshire and Vermont Connecticut River Watershed Advisory Commissions. Our members are appointed by the governors of the two States, as well as by State and local agencies, including the Regional Planning Commissions. Each member has brought impressive accomplishments and experience to the group, although our areas of expertise vary greatly.

The State legislatures created our commissions in 1987 and 1988 to join together "in a common effort to ensure that development within the Connecticut River Watershed proceeds in ways that protect the outstanding ecological, scenic, recreational, historic, cultural, agricultural and fish and wildlife values." Our objectives include habitat protections, land and water based trails, and development patterns that put a premium on protection of the Valley's unique natural assets.

The joint Commissions have reviewed the Act as presented in the House by Mr. Conte. On March 27, 1991, we responded with a letter to Senator Leahy's request for comments on the proposal. I have included a copy of this letter in my written testimony.

We welcome this wildlife refuge proposal. It is totally compatible with the activities and goals of our Commissions, and would greatly bolster our own efforts. As you learn more about us, you will find that we have already begun the process of developing working, committed constituencies, as mentioned by yourself, Senator Lieberman, in your introduction of S. 821. For our segment of the river we have nearly completed the kind of mapping and resource definition that is mandated by the Act. The Commissions of New Hampshire and Vermont, and the Refuge Advisory Committee could help each other tremendously.

We feel, therefore, the Act would be strengthened by additions to Section 9(b) regarding membership on the Advisory Committee. Specifically, we recommend the inclusion of representatives from the New Hampshire and Vermont Connecticut River Commissions. Our experience with working groups of citizens, and with municipalities in the watershed, would certainly increase the effectiveness of the Advisory Committee, and help to avoid duplication of efforts on all our parts.

In addition, we suggest the Connecticut River Watershed Council, which is the only entity involved in all four States in the valley, should have a designated role on the Advisory Committee.

If you get only one thing from my testimony, let it be this. Whatever management agency implements the Refuge Act, and what-

ever the representation on the Advisory Committee, the agency and committee must be very tuned in to the need for local involvement in implementation of the Act.

Even our relatively "local" initiatives are perceived as coming from "out of town," even though these initiatives are presented whenever possible by people from within the communities. We must be very sensitive to the possibility that our efforts will be interpreted as coming down on the communities "from above." This perception can be very detrimental to the success of the Refuge. This is particularly true for an effort which hopes to bank on voluntary contributions of conservation easements and development rights. Local involvement must be emphasized.

With this in mind, we suggest the addition of the word "citizens" in section 5, paragraph 3, to indicate commitment to citizen involvement in the implementation of the Silvio Conte National Fish and Wildlife Refuge Act.

For an upbeat conclusion, I would like to report that over the last few years the States of Vermont and New Hampshire have protected many parcels of land through their own initiatives. And like the methods proposed in S. 821 this has been achieved by various means. The good news is this: While the States have been busy protecting land, so have numerous private conservation organizations. A comprehensive list and map of the total properties protected in the watershed will be an inspiration to us all.

I know I speak for the members of the joint New Hampshire and Vermont Watershed Advisory Commissions in thanking you for your time and attention. For many of us involved in the most tedious of State and local public duties, involvement in the protection, enhancement and use of the Connecticut River Valley is our most rewarding activity.

Senator LIEBERMAN. Thanks for saying that. That was an upbeat conclusion. I appreciate it.

Let me begin the discussion by taking Mr. Lauritsen's second to last point, and asking you to respond to it, Mr. Lambertson. It is something that I have mentioned, and others have mentioned, earlier. That is, how do we put together the desire for Federal involvement here in the Connecticut River and in this proposed refuge with the special sensitivities that we have about home rule or local control, local involvement? Could you talk about that a little bit?

Mr. LAMBERTSON. Yes, Mr. Chairman. When Mr. Conte first developed this concept, it was his idea that we have an Advisory Committee, because he was very concerned that it not appear the Federal Government was marching in to take over the Connecticut River Valley. In several discussions I had with him, he stressed the importance of our working with State, local and private interests. So the Advisory Committee was put in for that purpose.

I think the Advisory Committee is really just the first step. More and more in our programs, we are finding that unless we have partnerships and consensus on where we are going, and that consensus is developed by a lot of good communication, we can't really develop our objectives. So the whole thrust of our new director is to form partnerships, work closely with people to develop a consensus, not just to move in and put up a refuge and define a boundary and

walk away. That is not the way we intend to administer this refuge.

Senator LIEBERMAN. How about the particularly sensitive question of land acquisition? You are familiar with the proposed bill, what would the policy of your service would be in that regard?

Mr. LAMBERTSON. Mr. CHairman, we have a well-developed policy that clearly States we will not condemn land on an involuntary basis. In other words, we acquire land only from a willing seller, so that if a piece of property is identified as a potential addition to the refuge, the only adverse impact on that property owner is that they know that when it comes time, when they want to sell that property, that they will have someone that can step in and buy it at a fair market value.

We have a long-established record that the only time we go into court for condemnation of any kind is on an agreed basis, where we and the landowner would like the court to set the value. Many times, or occasionally, we would reach an impasse with the landowner on exactly what the value should be. We agree that maybe the best way to resolve this impasse is to let a judge determine the value. But that is almost the only time that we involve a court proceeding in any way in our land acquisition.

Senator LIEBERMAN. I understand that you would also have the option, under this proposal, of using lesser forms of action in regard to lands, such as easements and other cooperative arrangements.

Mr. LAMBERTSON. Yes, Mr. Chairman. Our authority allows us, in addition to acquiring fee title, to take easements or even cooperative agreements, to ensure whatever level of protection we and the local landowners think are appropriate. So we have great latitude there. It is not a matter of fee title or walkaway. What we want to do is identify the values we want to protect, then seek an agreement that protects those values in the best interests of ourselves and the local landowner.

Senator LIEBERMAN. Commissioners Keeney or Phillips, would you like to add anything on this particular point, the local involvement and mixing Federal authority with home rule?

Mr. KEENEY. I think the proper sensitivities have already been mentioned, and I couldn't agree with them more, as I mentioned in my own testimony. With regard to land acquisition, as you know my department has a program which acquires land; in fact we have acquired over 4,000 acres along the river itself. We also have similar flexibility in our program, where we have easements which may be appropriate to accommodate the resources we are trying to protect. Absolute purchases may not be necessary. Also, possibly just putting together agreements may be sufficient. So I think that it is a good idea to be mindful of those local concerns and certainly work with them.

Senator LIEBERMAN. Anything else, Commissioner Phillips?

Mr. PHILLIPS. Yes. I agree, I think the Advisory Committee is well designed and should reflect local concerns and local involvement. In terms of land acquisition, I have been told by a number of individuals through the Connecticut Valley, in Massachusetts, at least, that there are a number of longstanding land owners that are very interested in this refuge system, and frankly very interest-

ed in the idea of conservation restrictions remaining on their land long-term with conservation restrictions, which would obviously serve the purposes of this refuge system.

Senator LIEBERMAN. Mr. Lambertson, let me come back to you and ask you to spell out for the record in a little more detail what is the first thing that would happen under this bill, which is the defining, designating, and mapping of the potential refuge boundaries. How does that work?

Mr. LAMBERTSON. Mr. Chairman, the draft bill provides that we are to have the Advisory Committee and that they are to be actively involved in identifying the areas of special concern. So the first step I would see is that we would work with the Committee, develop the Committee and work with it to figure out where the sensitive areas are. Then we would work from there to further define the refuge boundaries within those sensitive areas, and to have the Advisory Committee and the local parties very actively involved in that process.

In order to ensure a lot of local involvement we would use the National Environmental Policy Act process, the NEPA process, to prepare a draft statement on what we are proposing, the alternatives we would use, hold public meetings and hearings, and in addition to that, go the extra mile to communicate with local interest groups exactly what it is we are trying to do. But it would be primarily a combination of the advisory process and the NEPA process to help identify what the alternatives are.

Senator LIEBERMAN. We have been wondering about whether to include, within the proposed legislation, a request for an interim report after, for instance, one year, just to have an indication of how you're doing. How would you feel about that?

Mr. LAMBERTSON. We would welcome that. We think the more we can communicate and keep everyone informed about exactly what we are doing, and what we are accomplishing, the better off we will be.

Senator LIEBERMAN. Let me, if I can, get in a pitch for a special interest for myself, somewhat related, but since I have you here, the Service, as you know, has been doing some interesting studying and mapping for the Northeast coastal study from Rhode Island to New York. It is something that my colleague John Chafee of Rhode Island and I have been particularly interested in.

I gather you are also planning to open an estuary office for Long Island Sound and the Narragansett Bay. As you may know, many of us were involved last session in creating the Long Island Sound Office which the EPA is now in the process of finding a location for, and I will not shock you if I say we hope it is here in Connecticut.

But I don't want to get into that. I know that one of our hopes in putting it together was that it would be a central place for Federal agencies concerned about the Sound.

Mr. LAMBERTSON. We have found in other situations, the Chesapeake Bay, the Delaware Bay and in other areas, we, EPA and the States work very well together in the coastal program. We do encourage our people to be colocated as closely as possible to facilitate that communication. We find in the coastal program areas that we

bring a special living resources focus to those programs that we think is very helpful both to EPA and the States.

So we encourage that. That's one of our highest priorities in the Northeast, to develop and work with EPA, the States and other people on these coastal programs. The Chesapeake Bay was our first priority, the Delaware Bay was number two, but Long Island Sound is now the one we are focusing on. Those other two are off and moving. Long Island Sound is our third priority, it's the next program that needs to be developed.

Senator LIEBERMAN. That's great to hear. Once we get the site chosen, which we hope will happen in the next couple of months, probably we will get back to you. But I think somebody from your operation could really contribute immeasurably to the work that goes on there. We appreciate it.

Mr. LAMBERTSON. Thank you.

Senator LIEBERMAN. Mr. Phillips, you referred to your earlier, previous activity before becoming Commissioner, and I know it was as President of the Salmon Federation, I wonder just for the record, if you would speak in a little more detail about the special fish value of the Connecticut River.

Mr. PHILLIPS. The Connecticut River, of course, is a tremendous resource for a lot of these fish, shad and Atlantic salmon particularly. Historically, the Connecticut River was reputed to have had enormous runs of Atlantic salmon. It has a wonderful habitat upstream, particularly in New Hampshire and Vermont and also some of the lower parts of the river.

The thing that is most interesting about salmon to me is that it is a so-called indicator species. If a system is functioning as it should function and is in good shape, it means that it has really come back, the water quality is pristine, and all that, the salmon can survive. If the Connecticut River Sound Restoration Program is successful, it really means that the whole riverine system is in excellent shape, and I just—in relation to the refuge itself—I think the refuge is going to compliment and help the very difficult task of restoring this species of fish, the Atlantic salmon, to the river.

Senator LIEBERMAN. Mr. Lauritsen, you talked some in your testimony about the one question I was going to ask you if you wanted to expand on it, which is your agenda for the year 2000. If you would just talk a little more about how this proposal might fit in with the special interests of the folks in the Upper Connecticut River Valley.

Mr. LAURITSEN. I will try to give you some specifics, but in reading the bill it really sounds like our goals are entirely compatible. This year we chose to nominate the Connecticut River for protection under the New Hampshire Rivers and Management Protection Act. In order to do that we divided the river into five segments along the common boundaries between the States. With the efforts of local people and the regional planning commissions, we have been meeting in five working groups to designate the entire river, in one of three classifications, for special protections. We consider that to be the first step in the establishment of a greenway.

We have a single organization, initially formed as a financial passthrough for the joint commissions. It is called the Connecticut River Greenway Association, and its function is to combine our

State organizations. We are talking to property owners about their concerns and rights. They are working in areas very essential to us, and that's why we chose to designate the river for protection. We have come a long way in the nomination process, and we will have our application complete in July.

We adopted a greenway concept plan about two months ago and it is being circulated prior to a final draft.

Senator LIEBERMAN. Thank you. Commissioner Keeney, do you want to add anything from the special perspective of the Lower Connecticut River Valley?

Mr. KEENEY. I guess I would just like to add the fact that purchase alone is not the only thing that is important under this program. Of course, it is the identification and mapping of these sensitive areas, particularly to get a greater understanding of the ecology and the wildlife along the river, which is being used for recreational uses, drinking water and other uses that are of great importance. I want to emphasize that there will be lots of other things that will happen under this bill besides purchase.

Senator LIEBERMAN. I appreciate that. I thank all of you for coming and testifying today. Let me just make clear that this is not just another field hearing. This is the Senate hearing on this bill, and the testimony you have offered will be the record that will be the basis of Senate action on this bill.

So I thank you very much. We are going to keep the record open for a week or two. If you have any afterthoughts about anything you would like to add by way of submitting—yes, Mr. Lauritsen?

Mr. LAURITSEN. I have a comment that relates to acquisition. I sense that all our efforts have been moving on parallel tracks. I see the potential here for our efforts to be compounded on individual properties. I suggest that one of the funding mechanisms for acquisition include the payment of legal costs for landowners who are donating conservation easements or development rights. It might really sweeten the deal for people who want to participate.

Senator LIEBERMAN. That's a good idea. Thank you for that, and thank you all for being here. We thank you for your support.

We will now call the next panel, Les Corey and Astrid Hanzalek. Thank you both for being here. For the record, Les Corey is Vice President of the Nature Conservancy and Astrid Hanzalek is the Chair of the Connecticut River Watershed Council. Les, why don't you go first?

STATEMENT OF LESLIE N. COREY, JR., EXECUTIVE DIRECTOR, THE NATURE CONSERVANCY, CONNECTICUT CHAPTER

Mr. COREY. Thank you, Senator. My name is Leslie N. Corey, Jr., and I am the Director of the Connecticut Chapter, and I am speaking here on behalf of the Connecticut Chapter as well as the Conservancy programs in Massachusetts, Vermont and New Hampshire.

We strongly support S. 821, A Bill to Establish the Silvio Conte National Fish and Wildlife Refuge. I personally would like to thank you, Senator, for taking the lead on this in the Senate by sponsoring this bill, which we hope will help to protect one of New England's—if not the Nation's—very valuable natural resource. We

certainly feel this bill will pay a very fitting tribute to one of our Nation's finest lawmakers.

Silvio Conte's influence will be felt in many important areas of American society for years to come, and certainly the environmental field is the one where his enthusiasm and perseverance will ensure the permanent preservation of many crucial habitats across the country. The establishment of a national fish and wildlife refuge in his name along his home river will fulfill a dream of his and provide a lasting remembrance here in New England of his work here and also at the National level.

The Nature Conservancy's mission is preserving biological diversity. One of the ways we do that is scientifically determine what are the most important areas to protect. We work with State agencies to scientifically identify the most threatened fauna and flora, unique natural areas and habitats throughout the land. These programs are called Natural Heritage programs. Here in Connecticut it is called the Natural Diversity Data Base. These information systems help us to identify the most critical areas along riverine systems as well.

Over the last two years we have had a team of five scientists, an ecologist, botanist, zoologist, and invertebrate zoologist, working in the field. Last year we worked form Middletown south to Long Island Sound inventorying not only the mainstem river drainage but also many of the tributaries and the habitats that are present within those tributaries, to determine the historical status of species that had been identified there before, and also to help us set priorities for the future.

This summer—we are getting ready to undertake a similar survey of the section of the Connecticut River that runs from Middletown north to the Massachusetts border. This is being done with private funds. There have been no public monies available, and the Conservancy has worked to raise money to make this inventory possible. All this information gets shared throughout Connecticut via the Natural Diversity Data Base, not only with State and local agencies but also with the U.S. Fish and Wildlife Service.

When we began plotting a few years ago the locations of habitats that the Conservancy had identified that were environmentally sensitive along the entire 400-mile length of the river, it became very obvious that many of these areas were clustered along the river. New Englanders, even though we have several major urban areas on the river, have done a pretty good job of managing and stewarding the resources along the river.

There is a whole range of unique habitats that are found along the river, including the northern forest lands in the upper reaches. If you want to see a moose you can be guaranteed you will see a moose just about any time you drive through the back roads of Pittsburg, New Hampshire. Habitats along the Connecticut River include flood plain forests, tidal marshes in the lower reaches of the river, various other kinds of wetlands, rich old growth forest habitats and the like are found in a necklace all along the entire length of the Connecticut River.

There have been many organizations and watershed groups, like the Connecticut Watershed Council, that have been working to encourage protection of many of these areas. The Conservancy

thought there was a need to focus our special expertise in acquisition on some of the higher priority sites, so back in 1988, four Conservancy State programs in Vermont, New Hampshire, Massachusetts and Connecticut organized a region-wide—really a basin-wide—habitat preservation program to protect those most critical natural habitats that remained unprotected along the river.

Throughout that process over the last five years, we have made a lot of progress. We have worked on 53 different sites along the entire length of the river protecting 117 separate tracts of land which represents several thousand acres of protection. A lot of this has been done through voluntary protection. It has also been done in cooperation with State and Federal agencies as well. We have raised $4 million in private funds over the last five years to help leverage and enhance these preservation efforts.

We have received, for example, gifts from Champion International Corporation at Norton Pool and the Fourth Connecticut Lake in the northern reaches of the river as well as additional gifts at the mouth of the river at Griswold Point and Great Island. We have been working the river from both ends. I would like to also point out that as we discuss the role of the private landowner, most of the river is private and will be private in the future, even if this refuge program goes into effect. Basically we are looking at very strong home rule philosophy along the river, and there is a tremendous amount of energy, enthusiasm and commitment on the part of many private landowners to work to protect the resources along the river.

I am continually impressed by the energy and commitment that many landowners do have to protecting this resource. I think that is what's exciting about this particular program, that this bill will encourage that. It is not going to be just a straightforward refuge acquisition program, it will encourage more innovation on the part of the U.S. Fish and Wildlife Service to work with citizens, and communities and State agencies to help make this happen in a coordinated way.

I would like to think that in a small way the Stuart B. McKinney National Wildlife Refuge on Long Island Sound is another example of the way the Fish and Wildlife Service can work in an urbanized area to help protect the most important wildlife resources and fishery resources that exist. It has certainly been successful. The Nature Conservancy has worked very closely with the service to help implement the McKinney Refuge and now the management, or stewardship of these lands, is being accomplished cooperatively with the State Department of Environmental Protection, the U.S.F.W.S. and other conservation groups as well—the Audubon Society, the Conservancy, and the like.

I don't need to repeat it, as you said it more eloquently than I could in your opening statement about the importance of the river. I think we are all in agreement there. I would like to say there are a couple of points in the bill that have not been discussed. Once we secure legal interest in these lands to protect them, over the long haul stewardship is going to be one of the most important commitments that we are all going to have to make in managing these lands.

One of the things that is encouraging in this bill is that it does encourage restoration, control of exotic species, enhancement of habitat, which over time will be vital. It is not just securing the protection of these lands, but it is also working to control all the various threats, from sea level rise, water pollution problems, various kinds of overuse and abuse, invasive species that are coming in that are outcompeting the native species. I think that is a very important component of this particular piece of legislation, and I think it will be very important in terms of preserving the fish and wildlife resources that are present within the Connecticut River.

We really need to be looking at the Connecticut River as an ecosystem, and looking at it and identifying the critical areas as well as identifying the sites that are especially fragile and that need special attention in terms of restoration efforts. The U.S. Fish and Wildlife Service, we feel, is the most appropriate Federal agency to be working with the communities and the State agencies and conservation groups to work to protect the most important wildlife and fishery resources.

In terms of specific comments on the bill, we would urge your committee to give consideration to a provision under which the selection of lands would be undertaken in a two-step process, where there would be an interim report after one year and then, of course, the full comprehensive survey completed within three years. I think time is of the essence. Every day that clicks by, there are new threats, losses of habitat. We can't wait for a three-year comprehensive study. We aren't waiting, and I don't think the Fish and Wildlife Service would like to wait that long.

I think we already have enough information collected by all the various groups that have data bases and that are sharing their information. We already know where many of the important places are. After one year with the interim report, we might be able to move forward to secure some funding to begin to implement early aspects of the refuge program. It would be unfortunate to have to wait three years to see that, before the program really began to have an impact on the protection of the resources.

We also concur wholeheartedly with the intent as stated in section 4, paragraph (5) that it is very important to provide scientific, educational and recreational opportunities. However, we do have to remember that this is a program that would be administered by the U.S. Fish and Wildlife Service. The primary emphasis is enhancing and preserving the wildlife and fishery resource and its appropriate uses. We recommend that this paragraph specify that in those instances where uses, or proposed uses, conflict with the purposes stated in paragraphs (1) through (4) that the conservation and protection purposes take precedence.

We also recommend that section 4, paragraph (3) refer to ". . . aquatic and riparian habitat within the refuge" and that paragraph (1) of that Section note ". . . and other native species of plants, fish and wildlife, especially those that have suffered decline in the northeast or have become rare or endangered."

Despite the fact that it was one of the first North American rivers to be settled by Europeans, and as a quirk of fate there is no major urban center at its mouth, which does make it unique within the Eastern Seaboard, the Connecticut River stands today as one of

the best examples of this kind of an ecosystem or landscape where large numbers of people can work and live in harmony with a healthy riverine system.

We feel that S. 821 will help to maintain and encourage this harmony that we are all seeking, and by so doing make a better life for all species, human and wild, along the entire length of New England's lifeline, the Connecticut River.

Thank you for the opportunity to testify today.

Senator LIEBERMAN. Thank you for that excellent testimony, and thanks for the extraordinary work that the Conservancy has done and is doing along the river.

It is a pleasure to welcome Astrid Hanzalek. This is sort of a welcome home, I suppose, both of us have been here before. Not in this building, but in its predecessor.

Ms. HANZALEK. We have sat across the table from one another.

Senator LIEBERMAN. Yes, we have.

Ms. HANZALEK. It is nice to know that some of the more able Senators from the State of Connecticut have gone on to even greater places and to play larger, more impressive roles.

Senator LIEBERMAN. Thank you. Well, I would say the same about some of the more able State representatives.

[Laughter.]

STATEMENT OF ASTRID T. HANZALEK, CHAIRMAN, CONNECTICUT RIVER WATERSHED COUNCIL

Ms. HANZALEK. Thank you for convening this hearing, Senator Lieberman. I really think this is an issue whose time has come. I can only say that it is a privilege to testify on the Senate bill, the Silvio Conte National Fish and Wildlife Refuge bill that was introduced on April 16 by you.

For the record, my name is Astrid Hanzalek, I am Chairman of the Board of Trustees of the Connecticut River Watershed Council. I am delighted to point out that the Council's main office is in Easthampton, Massachusetts, which is located in the very district that Congressman Silvio Conte represented so ably for so many years. The Council supports the essence of the bill to establish a national refuge in the Connecticut River watershed for the stated purposes of conservation, protection and enhancement of important fish and wildlife species, ecosystems, aquatic habitat, education and research opportunities as well as recreational opportunities.

All those purposes also guide the mission and the activities of the non-profit 2,500 member Connecticut River Watershed Council. Next year, the Council enters its 40th year of stewardship and concern of the entire four-state, 11,000-square mile watershed. When the Council first started back in 1952, the Connecticut River was sick. Mothers would tell their children to stay away from the river, they would get sick. It was that well-landscaped sewer that previous speakers have mentioned.

The river has come a long way over the last 40 years. But we still have a long distance to go. The Watershed Council has regional offices in Connecticut, Massachusetts as well as in the Upper Valley in New Hampshire. We have members in all of those States, as well as Vermont, of course. The Council today stands alone in

watershed-wide active reach, from the Canadian border to the Long Island Sound.

Some years ago, there was a New England River Basins Commission that served that same four-state area. They had a Connecticut River program. Unfortunately, that Commission was unfunded in 1980. Since that time, the Connecticut River Watershed Council is the only four-state regional organization that deals with all the issues—water quality issues, land preservation issues, as well as the outreach issues—in that large four-state watershed.

Today there are numerous local watershed associations, some of which we helped to form. There are land trusts, there are local and State-wide environmental coalitions, there are many citizen action groups and State governmental departments that are successfully promoting land and water quality conservation. There are thousands of citizens in their local communities who actively protect the Connecticut River watershed through its vast array of local and State bodies.

It is this grassroots effort and the knowledge of what is out there in the grassroots which is so much a hallmark of our New England tradition, which we believe suggests how the Connecticut River Watershed Council can best benefit the process, not only of defining the parameters and boundaries of Conte Refuge, but also making it possible to get the kind of public acceptance, not only of the concept but also of the properties that will need to be acquired to make it possible.

We understand the sensitivities that are out there. That is why we urge that the bill provide a public hearing review and sanction process with respect to the designation of the refuge boundaries. We believe that local response should be directly heard in matters that affect private property rights, so that the bill's initiatives have a chance to succeed. That success is important to us.

We also urge that present and ongoing land conservancy and acquisition programs of groups such as ours and the Nature Conservancy and others be specifically examined at the time of the proposed refuge acquisitions so that all of the efforts are complimentary. There are monies and staff times for all the organizations, private and governmental, that should be well spent, and there may be a lot of savings that can be effected by cooperative efforts.

We would also like to suggest a couple of simple changes in the role and makeup of the refuge Advisory Committee. First, we believe the committee should have an advisory voice in the development, management and use of the refuge, not just in terms of additional areas of special concern. I think it is important for the Advisory Committee to be in on the ground floor.

Next, we feel there ought to be designated at least one additional member representing a regional watershed-wide constituency, such as the Connecticut River Watershed Council. I think that was mentioned in previous testimony. Presently, the makeup calls only for individual State appointments. But perhaps those amendments have already been considered. We suggest that two consecutive terms or staggered terms be provided for purposes of continuity. And finally, we recommend that the committee select its own chairman.

I recognize that these thoughts were expressed in prior testimony. I would also like to suggest that for consistency and clarity the term "Connecticut River Watershed" or "Connecticut River Basin" be used whenever the variety of terms now used in the bill are used. Right now, we refer to the "Connecticut River," the "Connecticut River Valley," the "Connecticut River Basin," and so on. I think there is a value in having consistency there, and using a term that suggests what this is all about, namely this 11,000 square mile watershed or river basin.

That will properly define not only the 11,000 square miles of the river or watershed, but also the 38 major tributaries and the two million population in this watershed area.

In closing, we would like to reiterate our support of the concept of both S. 821 and its companion, H.R. 794. The establishment of the refuge will enhance the memory of the great Congressman's achievement in environmental matters and will enhance the quality of life for this and future generations of citizens in the Connecticut River Watershed. Thank you, Senator Lieberman, for your leadership in this issue, and thank you very much for the opportunity to present the views of the Connecticut River Watershed Council at this hearing.

Senator LIEBERMAN. Thank you very much, Astrid. I appreciate your testimony. You are right, your organization has a unique role to play because of its range and inclusion. I hope that if this goes forward as I believe it will, that the Watershed Council will be intimately involved in the implementation of the whole program.

The truth is that both of you had such comprehensive testimony that I don't have too many questions to ask. I wonder, Les, if I could ask you to develop a point. If you could talk a little bit about what it means in this case to protect riparian habitats, what is involved here?

Mr. COREY. There is no simple answer to that question. It really depends on the resource and what particular aspect of the quality of the resource you are trying to protect, whether it is a nesting habitat for a particular bird species or a migration corridor for other species, or whether you are trying to protect water quality, from a variety of threats.

I think there are some minimal standards that could be established that communities could be encouraged to adopt, especially the more rural communities that currently have relatively pristine or undeveloped tributaries that drain into the watershed to provide an adequate buffer along these riparian areas. I think there are many different agencies who are addressing the question in terms of non-point sources of pollution and overdevelopment of streamside habitats. Developing trails or accesses along the rivers for fishing are also important. There are a variety of different things that could be served by protecting riparian areas. Those are the lands immediately adjacent to the tributaries and the mainstem of the river system.

But you really have to look at it in a comprehensive way. The Conservancy is looking right now at the Lower Connecticut River Estuary and trying to understand what the minimal standards are that we need to encourage to protect the resource in an integrated way, rather than just as individual preserves. We need to deter-

mine how to integrated them, and then how do we engage all of the various landowners that are involved in supporting that and feeling good about it. I think a lot of it involves community pride for the resource. I think we can all be proud of the work that was done to clean the river up, and we should now be following through on that effort and protect the resource that remains before it is overdeveloped.

Senator LIEBERMAN. One other question for the record. Did we do the right thing in asking the Fish and Wildlife Service, as opposed to EPA, to play a special role here, or the Army Corps of Engineers? Is this the right Federal group to go to?

Mr. COREY. I certainly think so. There are many different agencies that have interests in the river and the river system. Many of those have been expressed in different programs. I think the one Federal agency, the Fish and Wildlife Service, has expressed and demonstrated interest in protecting the Connecticut River. I think they will be cooperative partners under the current Director's and Regional Director leadership, they will encourage the kind of citizen involvement that the Watershed Council and the Conservancy feels is essential to the success of this refuge.

The days of buying a refuge, putting a sign up and having a manager patrol it are over, for the most part, here in the Eastern U.S. Refuges are going to have to become an integrated part of a settled landscape, and not islands unto themselves. I think the Connecticut River provides a great opportunity and challenge for the Service to implement that kind of program.

Senator LIEBERMAN. Thanks. Astrid, I was going to ask you about what the organization can do to ease and expand this whole notion of citizen involvement in the reclamation and protection of the river. You spoke to it well in your opening statement. Do you have anything else you would like to say about that?

Ms. HANZALEK. Well, first, one of the things I want you to remember to have as part of this record is that there is a great deal of public interest in this bill already. I was teaching a class at the Hartford Graduate Center on Tuesday, and decided to, since the class was dealing with the ecology of the Connecticut River, I decided this would be an appropriate opportunity to present the notion of this national fish and wildlife refuge bill. There was a great deal of interest.

The one thing most everybody agreed on, however, was that in order to make this very popular notion, in order to make sure there is a groundswell of support, you can't only talk about fish and wildlife. You have to talk also about the public and public access, and the fact that by setting aside these areas for certain purposes, it enhances the value of neighboring areas and other areas that can be used for public enjoyment. These folks don't want just the animals to be able to enjoy themselves, they want to be able to enjoy the areas as well.

I think it all works together. And I think one of the advantages the Connecticut River Watershed Council has is that it has a history of building a groundswell of favorable opinion on certain issues so that they can actually happen. A case in point is that for years the Watershed Council felt that in the Upper Valley, the States of Vermont and New Hampshire really needed to become more in-

volved with the river. We sponsored public forums to try to gain that kind of groundswell of support.

We believe that the formation of the two river commissions in New Hampshire and Vermont were to a large extent because we formed or created the groundswell of public approval for such a process. As you heard, now those two commissions are formed and working very actively and creatively, they have decided to work more closely together as a greenway association and their goals are exactly the same as the goals of this particular fish and wildlife refuge bill. Their goals are larger than that, but they are parallel to the bill you are sponsoring. I think the Watershed Council is uniquely positioned in order to be able to provide that kind of platform for public input and to develop public support in the whole 410-mile stretch. And we offer our services in that regard.

Senator LIEBERMAN. I agree, and I appreciate that offer very much. I think your continuing involvement will be critical to the success of the whole program, as of course will the Conservancy's.

I thank you both. Do you have anything else? Thanks for your time and support.

Let's give a few moments to the representation from Northeast Utilities. Please identify yourself for the record. You have submitted a statement which we will include in full in the record of the hearing, and I would ask you to summarize what you would like to say here.

STATEMENT OF ROBERT A. BERSAK, SENIOR COUNSEL, NORTHEAST UTILITIES

Mr. BERSAK. Thank you, Mr. Chairman. My name is Robert Bersak, and I am Senior Counsel for Northeast Utilities. We appreciate the opportunity to speak today as an ad hoc panel to provide a different, but supportive, voice for S. 821. I will take the blame for not getting in on the formal hearing schedule. I am a recalled reservist and NU has become my part-time job. I have taken a day of leave from the Air Force to come down here today and speak on behalf of Northeast Utilities.

Senator LIEBERMAN. That is certainly an acceptable explanation.

Mr. BERSAK. Thank you.

Northeast Utilities is a registered public utility holding company. Through or subsidiaries, we provide electric service to over 1.2 million customers throughout Connecticut and Western Massachusetts. In addition, the Public Service Company of New Hampshire, which you are aware we are acquiring, has another 400,000 customers we provide service to.

The Connecticut River plays a vital part in allowing Northeast Utilities to meet the region's electric energy needs. NU companies operate generating stations—hydro, nuclear and fossil—along the river and along the Connecticut River Watershed to provide an economic and environmentally balanced supply of reliable energy. These plants stretch from Public Service Company of New Hampshire's Keenan Project near the headwaters all they way down through Connecticut Yankee in Haddam Neck, Connecticut.

As the major landowner on the Connecticut River, NU supports these efforts to protect the river and its natural resources. NU

owns easements over more than 10 percent of the land bordering the Connecticut River. This land encompasses over 6,000 acres. This land is held in conjunction with our generating stations, the stations that depend on the waters of the Connecticut River for their operation.

As a responsible landowner, NU recognizes the importance of this land as a social, educational and environmental asset. To meet these obligations, we provide significant public access today for river fishing, boating, camping and other uses. We also provide educational opportunities along the river such as fish viewing facilities at Holyoke and Turners Falls, Massachusetts, nature trails at Connecticut Yankee, and the whole Northfield Mountain environmental recreational complex at Northfield Mountain Pump Storage Station in northern Massachusetts.

From its headwaters down to the mount at Long Island Sound, the Connecticut River has shaped the history and development of New England and this region's economy. In the 1800's, the river was instrumental in providing power for driving America's industrial base. Today, the Connecticut River is still the lifeblood of New England's energy demands. The Connecticut River and its tributaries support over 5,000 megawatts of electric generating capacity. If you want to try to get a rough estimate of what that is, it's about the equivalent of eight Connecticut Yankee nuclear plants.

Approximately one-third of all NU's energy production relies on the Connecticut River and its watershed. NU is not alone in its reliance on this resource to meet the energy demands of New England. PSMH, Central Vermont Public Service Company, New England Power Company, Holyoke Gas and Electric Department, and the Connecticut Yankee, Vermont Yankee and Yankee Rowe nuclear plants are all dependent on the Connecticut River or its watershed to produce their energy.

For these reasons, it is obvious that the Connecticut River and the Sil Conte National Fish and Wildlife Refuge would be a unique and dynamic resource. This uniqueness has been identified because an Advisory Committee has been proposed to provide guidance to the Secretary of the Interior for its operation, unlike other national wildlife refuges. However, we feel the proposed membership of the Advisory Committee falls short in recognizing the critical role this river plays in the economic health and energy supply of New England. The Advisory Committee needs to have members who are conversant with this facet of the river's resources.

To this end, Northeast Utilities suggests that the Secretary of Energy have the power to appoint a set number of Advisory Committee members. We feel this suggestion is appropriate, as the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission both have significant regulatory control over portions of the land located within this watershed. Such appointment would also be consistent with the President's National Energy Strategy.

The legislation should also be amended to specifically state the economic and energy importance of this river. This would be similar to the guidance contained in the legislation creating the Tensas River National Wildlife Refuge in Louisiana wherein the Secretary of Interior was instructed to give special consideration to the timber resources of that refuge.

Northeast Utilities of course stands willing to assist the Secretary of the Interior, the Advisory Committee and any of its subcommittees in the protection of this valuable resource. We sincerely believe a harmonious relationship can and must exist between existing users such as NU and the goals of this national wildlife refuge.

Indeed, NU and nearly all your prior witnesses are already partners in preserving this river. In Mr. Keeney's prepared testimony, he cites the cooperation between Northeast Utilities and the State of Connecticut in preserving land such as King's Island. We worked closely with Mr. Lambertson and the Fish and Wildlife Service on fish passage issues. Recently, Ms. Hanzalek and our Chairman met at our headquarters to discuss the use and relationship with the Connecticut River Watershed Council.

On behalf of NU and our over 1.2 million customers and all citizens interested in the protection of the Connecticut River, I thank you for the opportunity to present our thoughts concerning this vital legislation.

Senator LIEBERMAN. Thank you. I am glad we were able to do it. Thanks for your support and your suggestions. We will seriously consider them, and I hope you will continue to be in contact with us on them.

Mr. BERSAK. Thank you.

Senator LIEBERMAN. This concludes the testimony. As I said earlier, we will leave the record open for a week, in case anyone has some afterthoughts they would like to include as part of the formal record. I really appreciate the range of support given.

I am thrilled to be in a position to introduce this legislation and I understand that what I am doing really is carrying forward what a lot of people have been doing for a long time and in cooperation with a very wide range of people, both outside the Congress and inside the Congress on a totally nonpolitical, nonpartisan way. That is part of why I am as optimistic as I am about the future of this legislation, and in that sense, the future of the Connecticut River.

So I thank you all. This adjourns the hearing.

[Whereupon, at 11:57 a.m., the subcommittee adjourned, to reconvene at the call of the Chair.]

[Statements submitted for the record and the bill, S. 821, follow:]

PREPARED STATEMENT OF JOHN CONTE

Mr. Chairman, I appreciate the opportunity to testify before this distinguished Committee in support of S. 821, a bill to establish a National Fish and Wildlife Refuge along the Connecticut River, a companion bill to the one that my father introduced just three days before he died, and a bill that was the culmination of a life long dream of reviving the Connecticut River.

And I would like to take this opportunity to thank you, Senator Lieberman, for your leadership, your strong interest and support of this legislation, and for a particular amendment to the bill that was included as part of S. 821 as introduced. On behalf of my entire family, I thank you for naming this refuge after my father. I know that it would be the highlight of his career in Congress and of his life. Thank you very much for this great honor.

Mr. Chairman, I come to this panel with no expertise in fish biology, nor am I an expert in wildlife management or riparian conservation. But I do have an insight into what my father meant when he talked about the Connecticut River. Being a part of a family headed by Silvio Conte, my mother, sisters and I lived, breathed and ate the Connecticut River our entire lives. My father, from his days in the State Senate, was determined to bring the river back to life, to restore the mighty Atlantic salmon to this, the largest river in New England. And I know that many in Con-

gress have heard my father talk of the Connecticut River and other conservation programs many times. It was a love of his life, preserving the outdoors to generations to come—so that everyone, rich or poor, could enjoy and appreciate the beauty of nature.

And that love is best expressed by my father's own words. At the dedication of the Fish Lab in Turners Falls, he spoke of an environmental ethic, his dream for the Connecticut and the salmon restoration program: "A dream that includes a Connecticut River, cleaned, fishable, swimmable and with salmon restored to abundant numbers. A dream that someday, my children and grandchildren will continue to enjoy the outdoors as I have, and not be saddled with a planet polluted beyond repair. " This dream—lived and pursued by Silvio Conte for over forty years—is embodied in S. 821.

This bill will create a National Fish and Wildlife Refuge along the Connecticut to protect the gains already made on the river. Because of the Congress and this committee's leadership, much has been accomplished. The river has been cleaned. Hatcheries and fish ladders have been constructed. A world class fish lab is now in operation. And I should take this opportunity here to publicly thank the Congress for a great honor bestowed upon my father last year. It was a great honor in his eyes to have the Turners Falls fish lab named after him. And to experience that honor during his lifetime, was very, very important to him. On behalf of myself and the entire Conte family, we thank you for that impressive tribute.

With all of these facilities and the millions and millions spent to clean the river, my father always feared that these successes would be a mixed blessing. He feared that once the river was cleaned and the fish restored, unwise and over development would ruin a great natural resource.

That's why he introduced this bill, to make sure that the gains made over the last forty years were not in vain, and to preserve, without infringing on local interests, the beauty of this great river. This bill, by establishing a Federal refuge along the river, will provided the resources and expertise necessary to develop a comprehensive and environmental sound plan. And it will provide for all time a place for the common man to come and enjoy the outdoors.

I can think of no better way to sum up the motivation and goal of this legislation than by using the words of Silvio Conte himself. At the fish lab dedication last June, my father pledged to continue his life long work to protect and restore the Connecticut River. And with a tear in his eye and emotion in his voice, he spoke these words:

"American is blessed with abundant and seemingly endless resources, but we must always remember that we are custodians of these natural resources, not absolute consumers. Each generation has an obligation to pass this inheritance on to the next, in tact, or even improved. Our efforts today ——as we celebrate the opening of this magnificent research facility—bring s closer to achieving a lasting legacy: a clean, swimmable, fishable Connecticut River."

The memory of Silvio Conte will be honored for generations to come if this legislation is passed. It's a project that he worked all his life to realize, and I appreciate your interest and support for this bill. I know that if he were with us today, he would be beaming with enthusiasm, excited about the prospects of success and of course, and wearing some outlandish costume —a salmon mask or something.

Thank you, Mr. Chairman, for your support and interest. And with your permission, I would like to include for the record a written statement that describes the history of the restoration program in detail and that provides further justification for this legislation.

Thank you very much.

PREPARED STATEMENT OF RONALD LAMBERTSON

Mr. Chairman, I am pleased to be here today to testify in support of S. 821, to authorize establishment of the Silvio O. Conte National Fish and Wildlife Refuge along the Connecticut River.

The establishment of the Silvio O. Conte National Fish and Wildlife Refuge will be a fitting tribute to Mr. Conte. His enthusiasm as a hunter and fisherman, his long service on the Migratory Bird Conservation Commission, and his effective dedication to the protection and enhancement of the Nation's natural resources make him without question one of the leading conservationists of our time.

At its meeting on February 26, the Commission adopted a resolution recommending that a refuge be established along the Connecticut River and named for the late Representative Conte. A copy of that resolution has been transmitted to the Com-

mittee. As the longest serving member of the Commission, he was years ahead of his time in recognizing the ecological values of wetlands and devoted 26 years of his life to preserving them and the natural resources they sustain. During Mr. Conte's service on the Commission, it approved 80 new National Wildlife Refuges, protecting more than three million acres of wildlife habitat.

Representative Conte's efforts to preserve a healthy environment did not stop there. He was the driving force in obtaining Federal support for programs to restore runs of Atlantic salmon to the great rivers of the Northeast—including the Connecticut River, which is the subject of this proposal.

In the 101st Congress he was the leading advocate in the House of Representatives for the North American Wetlands Conservation Act, which established a continent-wide program to restore migratory bird populations and protect wetland habitat.

The next to the last bill introduced by Mr. Conte was H.R. 794, to establish the Connecticut River National Fish and Wildlife Refuge within the Connecticut River Basin in the States of Massachusetts, Vermont, Connecticut, and New Hampshire. S. 821 is a slightly revised version of that bill, and we support the revisions. The refuge would run intermittently along a major corridor extending from the forestlands in northern New England through scenic bottomlands to the wetlands at the shore of Long Island Sound. Although the study area for the proposed refuge is large, it is our understanding Mr. Conte's intent was to acquire only relatively small areas of undeveloped lands and waters at the upper and lower stretches of the river, while seeking protection and enhancement of the remaining area through cooperative agreements with private landowners, State and local governments, the business community, and concerned citizens. That is our plan as well.

Although we have not conducted detailed evaluations of the entire area, it is apparent that the Connecticut River and its riparian lands are very valuable environmental resources that provide habitat for significant anadromous fish such as the Atlantic salmon and American shad, resident fish, migratory waterfowl, and threatened or endangered species such as the piping plover, peregrine falcon, bald eagle, shortnosed sturgeon, Puritan tiger beetle, dwarf wedge mussel, and Jesup's milk vetch.

The Federal Government has spent over $600,000,000 to clean up the Connecticut River and improve the quality of its fish and wildlife habitat. A major fishery resource restoration program is underway, with guidance from the Connecticut River Atlantic Salmon Commission, established by compact among the affected States and approved by Congress in 1984. These expenditures and efforts have had positive results. There has been significant improvement in water quality and aquatic habitat, and fishery restoration efforts are proceeding well.

However, there has been little effort to identify key riparian areas that must be maintained against land use practices that could threaten both this habitat and the conservation gains we have achieved thus far. For the most part, habitat important to species under Federal responsibility has also not been identified. Although some land would be acquired, our main thrust is to identify key habitat areas and to develop cooperative agreements to protect them, particularly against adverse impacts to water quality and quantity.

The Connecticut River valley is home to over 2,000,000 people. Accordingly, the river and riparian lands are of great value for environmental education and recreation; yet the river is also threatened with pollution, reduced public access, and overall ecological downgrading through the demands for development and use that inevitably results from the presence of so many people. Despoiling the Connecticut River and its riparian lands will result in the permanent loss of unique social, educational, and environmental assets, and will devalue the significant Federal investment made to clean up the river. Authorization of the Silvio 0. Conte National Fish and Wildlife Refuge, and initiation of the cooperative efforts to protect the river that will result, is the easiest and most cost-effective means of addressing this problem. Although most of this proposal, and particularly the land acquisition component, can be undertaken through existing authorities, Congressional action is a more appropriate means to memorialize Silvio Conte. It will also provide a much greater incentive for other parties to participate actively in this cooperative effort than would be the case if the Service initiated the program on its own. In particular, the legislative establishment of the Advisory Committee will provide a firm role for the States and local governments in the process. We believe this is essential to successful completion of the cooperative effort we propose.

Accordingly, we strongly urge passage of S. 821, authorizing the Silvio 0. Conte National Fish and Wildlife Refuge, and we propose one amendment. Section 9 creates a committee to advise the Secretary on community outreach and education, as

well as on areas of special concern, the conservation of which would further the purposes of the refuge, but which are not proposed for acquisition. We recommend that the committee be appointed for a specific period—three years—to coincide with the time frame for finalizing the refuge boundaries, and that it cease to exist after that time. Due to the great many local governmental bodies and citizen organizations found in the Connecticut River Basin, no advisory group that has a workable number of members can possibly represent all interested parties. If the advisory committee were to become a permanent entity, membership on the committee may become the focus for the local governments and citizen organizations whose cooperation is essential to the success of this undertaking. So as to highlight the goals of the refuge, rather than the membership of the committee, we would strongly prefer to work directly with each organization and governmental unit rather than having an advisory body that cannot fully represent them.

Mr. Chairman, thank you for the opportunity to address this important legislation. I will be pleased to respond to questions.

PREPARED STATEMENT OF TIMOTHY R. E. KEENEY

Senator Lieberman, my name is Timothy R. E. Keeney. I am Commissioner of the Connecticut Department of Environmental Protection. It is my honor and pleasure to appear before you today to testify on the Connecticut River Fish and Wildlife Refuge Act, the idea for which was suggested by Representative Silvio Conte shortly before his death.

The State of Connecticut strongly supports the concept of a National Fish and Wildlife Refuge along the Connecticut River. The proposal is consistent with current State, regional and local efforts to better manage and protect the river. The establishment of a protected buffer along the Connecticut River is a theme which is common to all of the groups and organizations working for the river's preservation.

Before I detail some changes that I believe would be helpful, please let me provide some background. At my Department, we have established a statewide Rivers Management Program and are working with an Advisory Committee whose members represent business and industry, advocacy groups and others with interests in river management and protection. Together we are exploring ways to balance competing demands for use of the State's rivers to identify and preserve critical river resources and habitats and to better coordinate the State's planning, management and regulatory programs to preserve our rivers. The provision of greenways and buffers along our rivers is an important step in this process and one we must pursue wholeheartedly, especially in the areas of our State subject to intense development pressures.

Along with the States of Vermont, New Hampshire, and Massachusetts, Connecticut is evaluating the feasibility of establishing a protected greenway along the entire length of the Connecticut River. Obviously, no group or organization can be expected to achieve this alone. A Federal, State, local and private partnership is essential if this vision is to be realized. The establishment of the Conte Fish and Wildlife Refuge would bring in the Federal Government as an important component in preserving the natural resources associated with the Connecticut River.

Prior to joining the Connecticut DEP as Commissioner, I directed NOAA's Office of Coastal Resources Management here in Washington. Based in part on that experience, I have a keen awareness of and strong interest in the long-term health of Long Island Sound. As you know, the States of Connecticut and New York are working cooperatively with EPA and NOAA to develop a water quality management plan for the Sound. The Connecticut River basin contributes over 70 percent of the freshwater that flows into the Sound, and carries with it the usual compliment of nutrients and pollutants. The protection of habitats along the river will help minimize the effects of non-point sources of pollutants and help us meet our water quality goals, both in the river itself and within Long Island Sound.

At the local level, there are numerous non-point conservation organizations and sportsmen's groups working for improved protection of the river. In Connecticut alone these groups include the Connecticut River Watershed Council, the Connecticut River Assembly, Connecticut River Gateway Commission, and The Nature Conservancy. Their efforts enhance our ability to preserve a wide diversity of fish and wildlife including those for many threatened and endangered species.

We have already enjoyed considerable success in land preservation along the river. Over the years, the Connecticut DEP has acquired 20 parks, scenic reserves, and wildlife areas with river frontage, encompassing nearly 4,000 acres of land. There are also nine additional sites owned by DEP which provide boating access. Taken together with the more than 700 acres owned or managed by The Nature

Conservancy along the river, and over 500 acres of additional publicly and privately owned open spaces, we have made strides towards preserving the character and environmental integrity of the "long tidal river" for the benefit of generations to come. But much remains to be done. These protected areas represent but a tiny fraction of the land area bordering the river along its 400 mile length, 54 of which are in Connecticut and an even smaller portion of the land area in the 11,263 square mile Connecticut River Basin.

As I stated at the beginning of my testimony there are some changes which I believe would improve the bill and its implementation. Because of the importance of the Connecticut River basin as both a breeding area and as part of the Atlantic flyway, I recommend that waterfowl be added as a species to be conserved, protected and enhanced in Section 4 subpart (1) of the draft bill. The species of waterfowl of primary interest in the Connecticut River basin include black ducks, both green and blue winged teal, common mergansers and wood ducks.

Another area of the legislation which I believe merits clarification is the list of uses contained in Section 4 subpart (5). Hunting is conspicuously absent from the list of wildlife-oriented recreational activities, yet it is a major activity throughout the river basin. I do recognize that neither the bill as drafted nor the refuge it delimits would per se restrict hunting except as defined by individual acquired parcels. However, it is important to acknowledge that the Connecticut River basin contains many important waterfowl areas in the flyway and, in Connecticut, many of the important waterfowl hunting areas in the eastern part of the State. These areas afford sportsmen opportunities which should not be lost. As I believe this was not the intent of either Mr. Conte or the bill's proponents, this clarification would be most useful.

Let me offer an example to illustrate this point. King's Island at Suffield and Enfield in the Connecticut River is owned by Northeast Utilities. By agreement with my Department, the area is used by waterfowl hunters on a permit required basis, which strictly limits use of the eight maintained duck blinds. As part of the Atlantic flyway, this facility represents a significant opportunity for waterfowlers. Because the property was originally purchased by Northeast as a power plant site, a use that is no longer likely, King's Island is a "surplus" property for the utility. Recent public utility rules urge divesture of such properties. If this island were sold to the refuge, not including hunting as an allowable use in Section 4 subpart (5) would preclude this recreational use.

I am encouraged by the changes to H.R. 794 with regard to the Advisory Committee. By expanding the Committee to fifteen (15) members with representation of river towns, State fish and wildlife agencies and non-profit conservation organizations, the Committee's advice will be broader in its base. I am particularly interested in the membership of a representative of the Long Island Sound Management Conference. This seems most appropriate given that all of the water in the Connecticut River basin ultimately becomes part of Long Island Sound. The management of the basin clearly has a profound impact on the management of the Sound.

Two additional refinements to Committee membership that I will offer for your consideration are, first, to set staggered terms for members initially so as to assure continuity on the Committee and, second, to allow the Committee to select its own chair. This latter notion could go a long way towards gaining local acceptance in the affected States. I recall that former Senator Abraham Ribicoff's proposal for a lower Connecticut River national park was withdrawn at least in part because of local opposition to a strong Federal presence with no local representation. While this Committee clearly has local representation, an elected instead of an appointed chair would be a welcome revision.

Senator Lieberman, you requested that I include in my testimony some of the candidate areas for acquisition by the refuge. I am sure that you appreciate the sensitivity of disclosing specific sites, some of which are being sought for acquisition by both public and private organizations for preservation. Rather than name specific areas, suffice it to say that acquisition of marsh areas, both salt and brackish, and river islands in the lower reaches of the river are most important. As you know, the Connecticut is the only major river in the United States without an urban area at its mouth. As a result, many of the unique marsh and island habitats common to major tidal rivers remain undeveloped. In fact, the brackish marshes of the Connecticut represent the best example of a rare, transitional wetland and its attendant flora and fauna.

I have attached to my testimony a single copy of two lists of areas which are sought for acquisition. I would appreciate it if you would not release them publicly.

In summary, I support the establishment of a Connecticut River Fish and Wildlife Refuge. I can think of no finer tribute to our late friend and neighbor, Mr. Conte,

who worked for the improvement and protection of the Connecticut River for over three decades. A Connecticut River Fish and Wildlife Refuge which bears his name would serve as a meaningful monument to a man who has done much to enhance the economy, the environment, and indeed the whole quality of life in New England. Thank you.

PREPARED ROBERT A. BERSAK

Northeast Utilities (NU) is a registered public utility holding company. Through three of its wholly-owned subsidiaries, NU furnishes electric service to over 1 million customers in most of Connecticut and in western Massachusetts. NU also provides management services to Public Service Company of New Hampshire (PSNH) and its 400,000 customers.[1]

The Connecticut River plays a vital part in allowing NU to meet this region's electric energy needs. NU companies operate their generating stations—hydro, nuclear, and fossil—along this Connecticut River to produce an economically and environmentally balanced supply of reliable energy./2/ NU has received numerous awards, recognitions, and citations for its innovations and management foresight in protecting the Connecticut River valley. For example, the Holyoke fish lift located on the Connecticut River at NU's Holyoke hydroelectric project was a first of its kind and is instrumental in Atlantic salmon restoration efforts on the river. This facility received the Department of Interior's first "Conservation Service Award" in 1956. Our Northfield Mountain Environmental and Recreation Center in Massachusetts received Presidential recognition when it received the "Take Pride in America" award in 1987. The Northfield facility also received the prestigious Edison Electric Institute National Land Management Award in 1990. As a result of NU and U.S. Fish and Wildlife Service cooperation, the "Sil Conte Anadromous Fish Research Center" was opened last year in Turners Falls, Massachusetts. Finally NU and the Connecticut River Atlantic Salmon Commission are working in concert to install state-of-the-art downstream fish passage facilities at NU's Connecticut River hydroelectric projects.

As the major landowner on the Connecticut River, NU supports efforts to protect the river and its natural resources. NU owns or has easements over more than 90 miles of land bordering the Connecticut River encompassing over 6000 acres.[3] This land is held by NU in conjunction with its hydroelectric, fossil and nuclear generating stations that depend on the waters of the Connecticut River for operation. As a responsible land owner, NU recognizes the importance of this land as a social, educational, and environmental asset. To meet its obligations, NU provides significant public access to the river for fishing, boating, camping, and other uses. We also provide educational opportunities along the river, such as our fish viewing facilities at Holyoke and Turners Falls, Massachusetts, the Northfield Recreation and Environmental Center's myriad of programs and facilities, and nature trails and picnic areas at the Connecticut Yankee Nuclear Generating Station in Haddam Neck, Connecticut.

Establishment of the Connecticut River National Fish and Wildlife Refuge will enhance NU's efforts to protect and preserve the Connecticut River. Unlike previous National Wildlife Refuges (NWR) established by Congress, the Connecticut River NWR would not be a discrete, bounded area of land. Instead, the Connecticut River NWR could conceivably encompass thousands of river miles along the Connecticut River and its tributaries in four States. The Connecticut River NWR would not protect a remote, undeveloped area—it would be established in an area where America's industrial revolution started.

From its headwaters down to its mouth at Long Island Sound, the Connecticut River has shaped the history and development of New England and the region's economy. In the 1800's, the river was instrumental in providing power for driving

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[1] NU is in the process of acquiring PSNH.

[2] NU generating stat ions along the connecticut River include the Northfield Mountain hydroelectric project, the Turners Falls hydroelectric project, the Mt. Tom coal-fired generating station, the Holyoke hydroelectric project, the West Springfield oil/gas fired generating station, the South Meadow refuse-fired generating station, the Middletown oil-fired generating station, and the connecticut Yankee nuclear generating station. NU also has an ownership interest in the Vermont Yankee nuclear generating station. In addition, NU owns or operates generating stations on the Deerfield, chicopee, Little, and Farmington Rivers, all tributaries of the connecticut River and part of the connecticut River water-shed.

[3] This represents over 10 percent of the River's 814 miles of riverbank.

America's industrial base.[4] Today, the Connecticut is still the lifeblood of New England's energy demands. The Connecticut River and its tributaries support over 5000 Megawatts of electric generating capacity. Approximately one-third of all NU's energy production relies on the Connecticut River watershed. And, NU is not alone in its reliance on this resource to meet the energy needs of New England. PSNH, Central Vermont Public Service Company, New England Power Company, Holyoke Gas and Electric Department, and the Connecticut Yankee, Vermont Yankee and Yankee Rowe nuclear plants all rely upon the waters of the Connecticut River watershed for energy production. In addition, to countless farms and industries the river is a necessity for their continued existence.

For these reasons, it is obvious that the Connecticut River NWR would be a unique and dynamic resource. Unlike other NWR's, an advisory committee has been proposed to provide guidance to the Secretary of the Interior concerning the operation and effects of this complex NWR. However, the proposed membership of this Advisory Committee falls short in recognizing the critical role the Connecticut River plays in the economic health and energy supply of New England. The Advisory Committee needs to have members who are conversant with this facet of the River's resource. To this end, it is suggested that the Secretary of Energy have the power to appoint a set number of Advisory Committee members. This suggestion is appropriate, as the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission both have regulatory control over significant portions of land located along the Connecticut River watershed. Such appointments would also be consistent with the National Energy Strategy goals set forth by the President.

The legislation should also be amended to specifically state the economic and energy importance of the Connecticut River. This would be similar to the guidance contained in the legislation creating the Tensas River NWR in Louisiana wherein the Secretary was instructed to give special consideration to the timber resources of the refuge./5/

NU stands willing to assist the Secretary of the Interior, the Advisory Committee, and its subcommittees in the protection of the Connecticut River. We sincerely believe that a harmonious relationship can, and must, exist between existing users of the River's resources and the Connecticut River NWR goals. On behalf of NU, our 1.2 million customers, and all citizens interested in the protection of the Connecticut River, I thank you for the opportunity to present NU's thoughts concerning the establishment of the Connecticut River National Wildlife Refuge.

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[4] NU's Holyoke Water Power company and its Holyoke canal system have their roots during the birth of industry in this country. As a result of the Holyoke canal system's use of connecticut River water, Holyoke, Massachusetts, became America's first planned industrial city.

[5] Public Law 96-285.

II

102D CONGRESS
1ST SESSION

S. 821

To establish the Silvio Conte National Fish and Wildlife Refuge.

IN THE SENATE OF THE UNITED STATES

APRIL 16 (legislative day, APRIL 9), 1991

Mr. LIEBERMAN (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. MITCHELL, Mr. DODD, Mr. LEAHY, Mr. CHAFEE, Mr. COHEN, Mr. KERRY, Mr. PELL, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To establish the Silvio Conte National Fish and Wildlife Refuge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Silvio Conte National Fish and Wildlife Refuge Act".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) The late Silvio Conte was a long-time champion of the preservation of natural resources, including the Connecticut River, shepherding through Con-

gress legislation meant to restore the river and its wildlife to health.

(2) The Connecticut River and its riparian lands are unique environmental resources which provide habitat for significant anadromous, migratory, and resident fish; migratory waterfowl; and other wildlife species, including such threatened or endangered species as the shortnosed sturgeon and bald eagle.

(3) Federal, State, and local governments have spent over $600,000,000 to clean up the Connecticut River and improve the quality of its fish and wildlife habitat, resulting in the reestablishment or improvement of the populations of many species such as the Atlantic salmon, American shad, bald eagle, and peregrine falcon.

(4) The Connecticut River valley is home to over two million people, and accordingly the river and riparian lands are of great value for environmental education and natural resource based recreation.

(5) The Connecticut River valley is threatened with spoilation, removal from public access, and ecological downgrading.

(6) Despoiling the Connecticut River and its riparian lands will result in the permanent loss of unique social, educational, and environmental assets and will devalue the significant Federal, state and local investments made to clean up the river.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "affected States" means the Commonwealth of Massachusetts, and the States of Vermont, New Hampshire, and Connecticut;

(2) the term "refuge" means the Silvio Conte National Fish and Wildlife Refuge established under section 6 of this Act;

(3) the term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(4) the term "selection area" means the lands and waters of the Connecticut River basin, including the main stem of the river and its tributaries from its source at Fourth Connecticut Lake to Long Island Sound.

SEC. 4. PURPOSES.

The purposes for which the refuge is established are—

(1) to conserve, protect, and enhance the Connecticut River valley populations of Atlantic salmon, American shad, river herring, shortnosed sturgeon, bald eagles, peregrine falcons, osprey, and other native species of plants, fish, and wildlife;

(2) to conserve, protect, and enhance the natural diversity and abundance of plant, fish, and wildlife species and the ecosystems upon which these species depend within the refuge;

(3) to restore and maintain the chemical, physical, and biological integrity of the aquatic habitat within the refuge;

(4) to fulfill the international treaty obligations of the United States relating to fish and wildlife; and

(5) to provide opportunities for scientific research, environmental education, and fish and wildlife-oriented recreation and access, including fishing and other outdoor activities.

SEC. 5. SELECTION OF LANDS.

Within three years after the date of the enactment of this Act, the Secretary shall—

(1) define and designate the refuge boundaries, including all subunits, within the selection area that

would fulfill the purposes set forth in section 4 of this Act;

(2) prepare a detailed map depicting the refuge boundaries designated under paragraph (1), which the Secretary shall keep on file and available for public inspection at offices of the United States Fish and Wildlife Service, and publish notice in the Federal Register of such availability; and

(3) consult with appropriate State and local officials, including those representing State government natural heritage inventory agencies, the Long Island Sound Management Conference as established under the National Estuary Program, and private conservation organizations in designating the refuge boundaries.

SEC. 6. ACQUISITION AND ESTABLISHMENT OF REFUGE.

(a) ACQUISITION.—The Secretary may acquire for inclusion in the refuge by purchase or donation such lands and waters or interests therein (including conservation easements) within the boundaries defined and designated under section 5 of this Act. All lands, waters, and interests therein so acquired shall be part of the refuge.

(b) ESTABLISHMENT.—When sufficient property within the boundaries defined and designated under section 5 of this Act have been acquired to constitute an area

that can be effectively managed as a refuge, the Secretary shall establish the refuge, to be named the "Silvio Conte National Fish and Wildlife Refuge," by publishing a notice to that effect in the Federal Register and publications of local circulation.

(c) BOUNDARY REVISIONS.—The Secretary may make such minor revisions in the boundaries of the refuge defined and designated under section 5 of this Act as may be appropriate to carry out the purposes of this Act or to facilitate the acquisition of property within the refuge.

SEC. 7. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer all lands, waters, and interests therein acquired under section 6 pursuant to—

(1) the provisions of the National Wildlife Refuge System Administration Act of 1966 (U.S.C. 668dd–668ee); and

(2) the purposes for which the refuge is established, as set forth in section 4 of this Act.

(b) USE OF OTHER AUTHORITY.—The Secretary may utilize such other statutory authority as may be available to the Secretary for the conservation and development of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education,

as the Secretary considers appropriate to carry out the purposes of the refuge as set forth in section 4.

SEC. 8. ADDITIONAL AREAS OF SPECIAL CONCERN.

In order to further the purposes of this refuge, as set forth in section 4, the Secretary shall within two years from the date of enactment—

(1) identify additional areas of special concern outside the refuge boundaries but within the selection area, the conservation of which would further the purposes for which the refuge is established;

(2) identify activities outside the refuge boundaries but within or related to the selection area that may adversely affect the purposes for which the refuge is established; and

(3) work with, provide technical assistance to, provide educational outreach or information programs for or with, or enter into cooperative agreements with private landowners, state and local governments or agencies, and conservation organizations with respect to the wise use and management of areas of special concern and the conduct of activities identified under paragraphs (1) and (2) of this section.

SEC. 9. SILVIO CONTE NATIONAL FISH AND WILDLIFE REFUGE ADVISORY COMMITTEE.

(a) ESTABLISHMENT AND FUNCTIONS.—There is hereby established a committee to be known as the "Silvio Conte National Fish and Wildlife Refuge Advisory Committee (hereinafter referred to as the "Advisory Committee") which shall assist the Secretary on matters relating to—

(1) the areas of special concern and activities identified in section 8; and

(2) community outreach and education.

(b) MEMBERSHIP; TERMS.—The Advisory Committee shall be composed of fifteen members, each appointed by the Secretary for a term not to exceed three years, as follows—

(1) four members, including one from each of the affected States, to be recommended by the Governor of each State as representing the cities or towns bordering the Connecticut River and its tributaries;

(2) four members, including one from each of the affected States, to be recommended by the Governor of each State as representing State agencies with responsibility for conservation or water quality programs;

(3) four members, including one from each of the affected States to be appointed from recommendations made by the Governor of that affected State, who shall represent nonprofit conservation organizations or citizen groups with direct interest in the purposes of the refuge;

(4) one member of the Long Island Sound Management Conference; and

(5) two members to be designated by the Secretary.

(c) QUALIFICATIONS.—Members of the Advisory Committee shall have expertise or demonstrated interest in conservation matters.

(d) CONSECUTIVE TERMS.—No person may serve consecutive terms as a member of the Advisory Committee.

(e) CHAIRMAN.—The Secretary shall designate one member of the Advisory Committee to be its chairman.

(f) VACANCIES.—Any vacancy in the Advisory Committee shall be filled in the same manner in which the original appointment was made.

(g) COMPENSATION.—A member of the Advisory Committee shall not receive any compensation for service on the committee.

(h) EXPENSES OF THE ADVISORY COMMITTEE.—The Secretary may pay the expenses reasonably incurred by the Advisory Committee in carrying out its responsibilities under this Act upon receipt by the Secretary of vouchers signed by the chairman.

(i) MAJORITY VOTE.—The Advisory Committee shall act by affirmative vote of a majority of the members thereof.

SEC. 10. INTERPRETATION AND EDUCATION CENTER.

The Secretary is authorized to construct, administer, and maintain at appropriate sites within the refuge, not more than four aquatic resources and wildlife interpretation and education centers, known as Silvio Conte National Fish and Wildlife Refuge Education Centers, along with administrative facilities, to provide opportunities for the study, understanding, and enjoyment of aquatic resources and wildlife in its natural habitats.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

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